IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WA.No. 2911 of 2007

AGAINST THE JUDGEMENT IN WPC.5589/2006 Dated 26/06/2007
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APPELLANTS/RESPONDENTS 1 TO 3:
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1. UNION OF INDIA,
   REPRESENTED BY ITS SECRETARY,
   MINISTRY OF DEFENCE,
   CENTRAL SECRETARIAT,
   NEW DELHI.

2. PRINCIPAL CONTROLLER OF DEFENCE,
   ACCOUNT (PENSION),
   ALLAHABAD.

3. AIR OFFICER COMMANDING,
   AIR FORCE RECORD OFFICE,
   SUBROTO PARK,
   NEW DELHI-10.

BY ADV. SRI.P.PARAMESWARAN NAIR, ASST.SOLICITOR GENERAL

RESPONDENTS/PETITIONER AND 4TH RESPONDENT
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1. N.K.SARADA,
   WIDOW OF LATE(270174)EX CORPRAL V BHASKARAN,
   'CHAITHANYA',
   THARANAGAR,
   CHANDRANAGAR, PALAKKAD.

2. STATE BANK OF INDIA
   LOCAL HEAD OFFICE,
   'CIRCLETOP HOUSE',
   21, RAJAJI ROAD,
   CHENNAI-600 001.

R1 BY ADV.SRI.V.K.SATHYANATHAN
R2 BY STANDING COUNSEL SRI.P.G.PARAMESWARA PANICKER

THIS WRIT APPEAL HAVING COME UP FOR ORDERS ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.M.JOSEPH, J.

W.A.No.2911 of 2007 &
C.M.AppIn.No.1336 of 2007

Dated, this the 12th day of December, 2007

JUDGMENT

H.L.Dattu, C.J.

Delay in filing the writ appeal is condoned.

2. Respondents 1 to 3 in W.P.(C) No.5589 of 2006 are the appellants in this appeal. They are calling in question the legality or otherwise of the orders passed by the learned Single Judge in W.P.(C) No.5589 of 2006 dated 26th June, 2007.

3. The appellants in this appeal were served with notice of the writ petition, but for various reasons mentioned in the writ appeal, they could not appear before the learned Single Judge when the matter was disposed of. In our opinion, if permission is granted to the appellants to make an appropriate application for review of the orders passed by the learned Single Judge, it would not cause any prejudice to the respondents.

4. Accordingly we pass the following:

Order

i) Writ appeal is disposed, of reserving liberty to the appellants, if they so desire, to make an appropriate application before the learned Single Judge for appropriate reliefs.

ii) We only request the learned Single Judge, that, if and when such an

application is made, the same may be considered in accordance with law.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.M.JOSEPH)
JUDGE

vns